IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2881 OF 2005

Shri. Sati Builders & Developers Pvt. Ltd. .... Petitioner

Vs.

The State of Mah. and Ors. .... Respondents

Mr. L.V. Bommer i/by M/s. Shaunak Satpute & Co. for Petitioner.

Mr. K.R.Belosey, A.G.P. for R. No. 1.

Mr. G.D. Utangle, for R. Nos. 2 and 3.

Mr.R.V. Govilkar for Applicant in Notice of Motion No. 114 of 2000.

CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI,JJ.
DATE : 18TH JULY, 2006

P.C.:

1. The Petitioner was appointed as developer by the society which is not made a party to the present petition. The order of 3.7.2003 of the S.R.A. in Clause 38 clearly sets out that the letter of intent is valid for the period of three months from the date of issue. It is further set out that LOI will remain in force till the estimated project period if IOA/CC is obtained. It is further set out that in case the proposal is recorded for any reason, the LOI will stand invalid. In the instant case, the society took steps to terminate the agreement. The S.R.A. through communication on 3.6.2005 informed the Petitioner that the proposal under reference is

recorded. Copy of the said letter is taken on record. Subsequent to that the society has appointed another developer. He is sought to be brought on record by the chambers summons taken out by the Petitioners.

2. Considering the controversy and that the development agreement has been terminated and new developer has been appointed and the representation of the Petitioner was considered by the S.R.A. we do not think that merely because the Petitioner has made further representation that the Petitioner needs to be heard again. The Petitioner if have any other remedy can peruse it elsewhere. At any rate, we are not inclined to interfere with the scheme of the S.R.A. Considering the above, no case for interference. Petition rejected.

(MRS.V.K.TAHILRAMANI,J.) **(F.I.REBELLO, J.)**